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SENTENCING IN FRANKLIN HIGH SCHOOL GUN CASE

SACRAMENTO--United States Attorney McGregor W. Scott announced today that GUSTAVO AGUILERA (18) of Stockton, CA, was sentenced to 30 months in federal prison today following his guilty plea on September 24, 2003 to possession of an unregistered firearm, a sawed off shotgun. According to the written plea agreement, Aguilera admitted the following facts:

On March 5, 2003, at approximately 2:15 p.m. (15 minutes after the last period of the school day), Franklin High School officials were informed by an anonymous caller that a described individual was seen entering campus with what the caller believed to be a weapon. Campus security staff responded to the location where the individual had been seen.

The individual, later identified as defendant Gustavo AGUILERA, was located by the campus security staff near portable classrooms on the south side of the school. AGUILERA was not a registered student or employee of Franklin High School. AGUILERA was ordered to stop and to place his hands on the wall of the building. AGUILERA eventually complied.

A pat down search of the defendant by the campus security revealed that he had a loaded sawed off shotgun hidden down his pants. The shotgun is further described as a Harrington and Richardson, .20 Gauge shotgun, serial number AY582924. The barrel of the firearm and the shoulder stock had been cut down so that its overall length was 18 inches and the barrel length was 13½ inches. AGUILERA had one additional shotgun shell in his right front pocket.

Federal jurisdiction existed to prosecute the case because the sawed-off shotgun constituted a type of firearm that is required to be registered in the National Firearms Registration and Transfer Record, which Mr. Aguilera had not done.

At the sentencing, Judge Damrell stated that he believed the offense was a "very serious matter" and created a potential for violence that placed students at the high school at risk. He stated, "A sawed off shotgun has but one purpose, that is, to do devastating harm." The Judge also stated that he was seriously considering a greater sentence but eventually adopted the government's and Probation Department's recommended sentence.

Parole has been abolished in federal sentencing so Aguilera will be required to serve at

least 85 percent of his sentence. Once he is released from his 30 month sentence, Aguilera will be subject to a three-year term of supervised release.

Assistant United States Attorney Richard Bender, who prosecuted the case, praised the Principal, Vice-Principals, School Security, and the Stockton Unified School District Police for the excellent job of handling the situation at the school.

United States Attorney Scott noted that the case was prosecuted by the U.S. Attorney's Office as part of Operation Exile. Sponsored by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), the program seeks to bring violations of federal gun laws into federal court where the defendants face stiffer penalties than in state court. The Stockton Police Department has been instrumental in the implementation of the Program, having assigned a full-time detective to refer any investigation gun cases to the ATF and the U.S. Attorney's Office. Approximately fifty gun cases from Stockton have been prosecuted under the program over the last three years, with sentencings averaging approximately five years.

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